

## Article - Health - General

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§19–1901.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Adult dependent care program” means:
  - (1) An adult day care facility regulated under Title 14, Subtitle 2 of this article;
  - (2) An assisted living program facility regulated under Subtitle 18 of this title;
  - (3) A group home regulated under Title 10, Subtitle 5 or Title 7, Subtitle 6 of this article;
  - (4) A home health agency regulated under Subtitle 4 of this title;
  - (5) A congregate housing services program regulated under Title 10, Subtitle 2 of the Human Services Article;
  - (6) A residential service agency as defined under § 19–4A–01 of this title;
  - (7) An alternative living unit as defined under § 7–101 of this article;
  - (8) A hospice facility regulated under Subtitle 9 of this title; or
  - (9) A related institution regulated under Subtitle 3 of this title.
- (c) “Background check” means a check of court and other records by a private agency.
- (d) “Conviction” means a:
  - (1) Plea or verdict of guilty;
  - (2) Plea of nolo contendere;
  - (3) Disposition of probation before judgment; or

(4) Disposition of not criminally responsible.

(e) “Criminal history records check” means a check of criminal history record information, as defined in § 10-201 of the Criminal Procedure Article, by the Department of Public Safety and Correctional Services.

(f) “Department” means the Department of Public Safety and Correctional Services.

(g) “Disclosure statement” means a sworn statement or affirmation of the existence of a criminal conviction or pending criminal charges without a final disposition.

(h) (1) “Eligible employee” means an individual:

(i) Who, for compensation, works for an adult dependent care program;

(ii) Who has routine, direct access to dependent adults in the program; and

(iii) Who is not licensed or certified under the Health Occupations Article.

(2) “Eligible employee” does not include an individual delivering or retrieving medical equipment.

(i) “Printed statement” means a document issued by the Criminal Justice Information System Central Repository in the Department of Public Safety and Correctional Services in response to an application for a criminal history records check.

(j) “Private agency” means a person that:

(1) Is licensed as a private detective agency under Title 13, Subtitle 3 of the Business Occupations and Professions Article;

(2) Maintains an errors and omissions insurance policy in an amount not less than \$1,000,000;

(3) Offers customer assistance in the use of background checks for employment purposes; and

(4) Is capable of conducting a background check within the State within 2 working days of a request and outside the State within 5 working days of a request.

(k) “Secretary” means the Secretary of Public Safety and Correctional Services.

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